United Nations S/PV.6763

Security Council

Sixty-seventh year

Provisional

6763rd meeting

Friday, 27 April 2012, 10 a.m.

New York

President:	Mrs. DiCarlo	(United States of America)
Members:	Azerbaijan	Mr. Musayez
	China	Mr. Wang Min
	Colombia	Mr. Alzate
	France	Mrs. Le Fraper du Hellen
	Germany	Mr. Berger
	Guatemala	Mr. Rosenthal
	India	Mr. Kumar
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Tarar
	Portugal	Mr. Cabral
	Russian Federation	Mr. Karev
	South Africa	Mr. Laher
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Mr. Wilson

Agenda

Election of a member of the International Court of Justice (S/2012/211, S/2012/212 and S/2012/213)

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Election of a member of the International Court of Justice (S/2012/211, S/2012/212 and S/2012/213)

The President: The Security Council will now proceed to the election of a member of the International Court of Justice, in accordance with Article 14 of the Statute of the International Court of Justice, to fill the seat that became vacant on 31 December 2011 with the resignation of Judge Awn Shawkat Al-Khasawneh (Jordan).

Judge Al-Khasawneh's term of office would have expired on 5 February 2018. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of the predecessor's term. The member elected to replace Judge Al-Khasawneh will thus serve until 5 February 2018.

The list of candidates indicating the national groups by which each candidate was nominated is contained in document S/2012/212.

I should like to inform members of the Council that I have received a letter addressed to me by the Legal Counsel, dated 25 April 2012, informing me, on behalf of the Secretary-General, that after the established deadline for the filing of nominations, namely, 2 April 2012, national groups submitted nominations to the Secretariat. I should like to draw the Council's attention to the fact that all such additional nominations relate to a candidate already nominated by other national groups and whose name therefore already appears in document S/2012/212.

The Legal Counsel recommended that, in accordance with established practice, I inform Council members orally on the day of the election about the decisions of the aforementioned national groups. I am also informed that the Legal Counsel made a similar recommendation to the President of the General Assembly.

The nominations of the aforementioned national groups are as follows: for Mr. Dalveer Bhandari, Chile and Slovenia.

I should like to inform Council members that, in a note by the Secretary-General dated 20 April 2012 (S/2012/212/Add.1), the Secretary-General wrote that by a note verbale dated 18 April 2012 the Permanent Mission of Lebanon informed the Secretary-General that its national group had decided to withdraw its nomination of Mr. Ghaleb Ghanem for election to the International Court of Justice. Since Mr. Ghanem was nominated only by the national group of Lebanon, his name is not included on the ballot papers.

The Security Council has before it a memorandum by the Secretary-General, contained in document S/2012/211, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that, under Article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected."

The required majority in the Security Council is eight votes.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot containing the names of all the candidates. No withdrawal will be accepted once the ballot papers have been distributed. However, it will be possible to withdraw between ballots.

Members of the Council will be requested to place an "X" in the box next to the name of the candidate for whom they wish to vote. Only those candidates whose names appear on the ballot are eligible for election. I should like to remind members of paragraph 14 of the Secretary-General's memorandum, which specifies that "[e]ach elector may vote for only one candidate" (S/2012/211, para. 14). Any ballot paper containing votes for more than one name will be considered invalid.

I should like to inform Council members that, in accordance with established practice, the ballot papers in the Security Council will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

Only when one candidate has obtained the required majority of votes in the Security Council shall I communicate the result to the President of the General Assembly, and I shall request the Council to remain in session pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations to serve as tellers. The delegation of India will not be considered to serve as a teller because a candidate of that nationality has been nominated. Because my delegation this month occupies the Council presidency, it will also be excluded from serving as a teller.

* * *

The President: The names of the delegations of France and South Africa have been drawn. I request each of them to appoint one of their members to serve as teller.

At the invitation of the President, Ms. Lardon (France) and Mr. Crowley (South Africa) acted as tellers.

The President: May I take it that the Council is now ready to proceed with the election of a member of the International Court of Justice?

It is so decided.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the box next to the name of the one candidate for whom they wish to vote.

* * *

The President: I take it that all the members of the Council have now voted and I ask the Conference Officer to collect the ballot papers.

* * *

The President: All the ballot papers have been collected. I should like to remind Council members that, in accordance with the established practice, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

* * *

The President: I have now been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots and there will be two independent countings of the ballots, one by each teller. I should like to remind Council members that in accordance with established practice, I shall wait for the General Assembly to complete its count before I announce the results of the voting in the Security Council.

The Council will remain in session.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Mr. Dalveer Bhandari	13
Mr. Florentino Feliciano	2

A candidate obtained the required majority in the Security Council. Mr. Dalveer Bhandari has accordingly received the required majority of votes in the Security Council.

I shall communicate the result of the vote to the President of the General Assembly in writing.

I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the result of the voting in the Assembly. In accordance with established procedure, the Presidents of the Security Council and of the General Assembly will simultaneously read out the results of the vote in the other body.

* * *

The President: I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

"I have the honour to inform you that, at the 107th plenary meeting of the General Assembly, held today for the purpose of electing a member of the International Court of Justice, the following

candidate obtained an absolute majority of votes in the General Assembly: Mr. Dalveer Bhandari."

As both the Security Council and the General Assembly have agreed on the same candidate, the distinguished jurist Mr. Dalveer Bhandari has been elected a member of the International Court of Justice to hold office for the remainder of the term to which Judge Al-Khasawneh was elected, namely 5 February 2018.

I should like to congratulate him and wish him every success in the high office to which he has been elected.

On behalf of the Council, I would like to thank the tellers for their assistance in the conduct of the elections.

The Security Council has thus concluded its consideration of the item on its agenda.

The meeting rose at 10.55 a.m.